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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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DAVID AVELAR, FRANKLIN PAREDES, and
FRANKLIN VALASQUEZ, on behalf of
themselves and others similarly situated,
Plaintiff,

U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE

ADOPTION ORDER
13-cv-7017 (ADS)(AYS)

-against-

ED QUIROS, INC., STUCCO OF THE
HAMPTONS INC., and ED QUIROS,
in his individual capacity,

Defendants.

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APPEARANCES:

Delvis Melendez, Esq.
Attorney for the Plaintiffs
90 Bradley Street
Brentwood, NY 11717

SPATT, District Judge.

On October 29, 2014, the Plaintiffs David Avelar (“Avelar”), Franklin Paredes (“Paredes”, and Oscar Velasquez (“Velasquez”) (collectively, the “Plaintiffs”) commenced this action on behalf of themselves and others similarly situated pursuant to the Fair Labor Standards Act, 29 U.S.C. § 201 *et seq.* (“FLSA”), and the New York Labor Law § 650 *et seq.* (“NYLL”) against the Defendants Ed Quiros, Inc. Stucco of the Hamptons, Inc. and Ed Quiros, in his individual capacity (collectively, the “Defendants”). The Plaintiffs sought to recover overtime compensation, “spread of hours” wages, and improper deductions made by the Defendants to their regular wages.

On April 17, 2014, the Clerk of the Court noted the default of the Defendants.

On April 21, 2014, the Plaintiffs moved for a default judgment.

On March 18, 2015, the Court adopted a report issued by United States Magistrate Judge Gary R. Brown recommending that a default judgment be granted but that the Plaintiffs' motion for damages be denied without prejudice and with leave to renew. In addition, the Court referred the Plaintiffs' renewed motion for damages to United States Magistrate Judge Anne Y. Shields for a Report and Recommendation.

On October 29, 2015, Judge Shields issued a report recommending ("R&R") that the Court award (i) \$75,597.48 in damages to the Plaintiff Avelar; (ii) \$40,308.36 in damages to the Plaintiff Parades; (iii) no damages to the Plaintiff Velasquez because he did not appear at a hearing before Judge Shields to support his claim for damages; and (iv) \$14,252.50 in attorneys' fees and costs.

More than fourteen days have elapsed since service of the Report and Recommendation on the Defendants, who have failed to file an objection.

Pursuant to 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72, this Court has reviewed the February 9, 2015, Report and Recommendation for clear error, and finding none, now concurs in both its reasoning and its result. See Coburn v. P.N. Fin., No. 13-CV-1006 (ADS) (SIL), 2015 WL 520346, at *1 (E.D.N.Y. Feb. 9, 2015) (reviewing Report and Recommendation without objections for clear error).

Accordingly, the October 29, 2015 R&R is adopted in its entirety. The Clerk of the Court is directed to enter judgment for the Plaintiffs in the amount specified in the October 29, 2015 R&R and to close this case.

SO ORDERED.

Dated: Central Islip, New York
March 4, 2015

/s/ Arthur D. Spatt
ARTHUR D. SPATT
United States District Judge